

### **REMARKS/ARGUMENTS**

This present Response is being filed in reply to the Office Action dated February 23, 2006. A petition for a two month extension of time, including the associated fee, are filed herewith to extend the period of response to and including July 24,2006.

Claims 1, 11, and 16 have been amended and claims 9 and 17-33 have been withdrawn from consideration. Claims 1-8 and 10-16 are pending in the application. The amendments to claims 1, 11, and 16 are supported by the specification and drawings as originally filed. No new matter has been added. The amendment of claims should in no way be construed to be an acquiescence to any of the rejections. The amendment of the claims is being made solely to expedite prosecution of the above-identified patent application. Applicants reserve the option to further prosecute the same or similar claims in the present or subsequent patent applications.

#### ***Election/Restriction***

Applicants confirm the election of Invention I, claims 1-16 and 23-33, and the election of Species I, Figures 1-7. Applicants consider claims 1-8 and 10-16 to read on Species I. Accordingly, claims 1-8 and 10-16 are pending in the application and claims 9 and 17-33 are withdrawn from consideration as being directed to a non-elected invention or a non-elected species.

#### ***Objection to the Drawings***

In response to the objection to FIGURES 25-33 of the drawings as being informal and difficult to understand, Applicants submit herewith formal drawings for FIGURES 1-33, all of which Applicants consider to meet the requirements of 37 CFR 1.121.

#### ***Rejection of Claims 1-8 and 10-16 under 35 U.S.C. § 102(b)***

The Office Action rejected claims 1-8 and 10-16 under 35 U.S.C. § 102(b) as being anticipated by Fiore (U.S. Patent No. 3,815,585). The Office Action rejected claims 1-8 and 10-16 under 35 U.S.C. § 102(b) as being anticipated by Pestka (U.S. Patent No. 3,650,266). Applicants respectfully traverse this rejection based on the above amendments and following arguments.

Claims 1-8 and 10

Independent claim 1 is directed to a retractor blade assembly comprising a fixed blade and adjustable blade operatively coupled to the fixed blade. Claim 1 has been amended to clarify that the fixed blade has a tissue engaging segment extending along a longitudinal axis. Claim 1 further recites that the adjustable blade is adjustable relative to the fixed blade along the longitudinal axis of the tissue engaging segment of the fixed blade. Claims 2-8 and 10 depend claim 1.

Fiore and Pestka each fail to disclose a retractor blade assembly having an adjustable blade that is adjustable relative to the fixed blade along the longitudinal axis of the tissue engaging segment of the fixed blade, as recited in claim 1. Rather, Fiore discloses a speculum having a pair of interconnecting frame members 11 and 12 that provide for elevational adjustment and angular adjustment of two tissue engaging duckbills 15 and 18. See Column 3, lines 48-58, of the reference. Fiore fails to disclose that the adjustable duckbill, duckbill 18, is adjustable along the longitudinal axis of the fixed duckbill, duckbill 15.

Likewise, Pestka discloses a speculum having a fixed lower tissue engaging jaw 12 and an upper tissue engaging jaw 16 that is pivotally adjustable relative to the fixed jaw 12 and may be separated from the fixed jaw 12. See Column 1, lines 62-75 and Column 2, lines 1-22. Pestka fails to disclose that the upper jaw 16 is adjustable along the longitudinal axis of the lower jaw 12.

For at least these reasons, Applicants do not consider Fiore or Pestka to anticipate the subject matter of independent claim 1. Therefore, Applicants respectfully request that the rejection of claim 1, and claims 2-8 and 10 dependant thereon, under 35 U.S.C. § 102(b) be withdrawn.

Claims 11-15

Independent claim 11 is directed to a retractor blade assembly comprising a fixed blade and adjustable blade operatively coupled to the fixed blade. Claim 11 has been amended to clarify that the fixed blade has a tissue engaging segment extending along a longitudinal axis. Claim 11 further recites that the adjustable blade is adjustable relative to the fixed blade

along the longitudinal axis of the tissue engaging segment of the fixed blade. Claims 12-15 depend claim 11.

As discussed above with respect to claim 1, Fiore and Pestka each fail to disclose a retractor blade assembly having an adjustable blade that is adjustable relative to the fixed blade along the longitudinal axis of the tissue engaging segment of the fixed blade, as recited in claim 11.

For at least these reasons, Applicants do not consider Fiore or Pestka to anticipate the subject matter of independent claim 11. Therefore, Applicants respectfully request that the rejection of claim 1, and claims 12-15 dependant thereon, under 35 U.S.C. § 102(b) be withdrawn.

Claim 16

Independent claim 16 is directed to a retractor blade assembly comprising a fixed blade and adjustable blade operatively coupled to the fixed blade. Claim 16 has been amended to clarify that the fixed blade has a tissue engaging segment extending along a longitudinal axis. Claim 16 further recites that the adjustable blade is adjustable relative to the fixed blade along the longitudinal axis of the tissue engaging segment of the fixed blade.

As discussed above with respect to claim 1, Fiore and Pestka each fail to disclose a retractor blade assembly having an adjustable blade that is adjustable relative to the fixed blade along the longitudinal axis of the tissue engaging segment of the fixed blade, as recited in claim 16.

For at least these reasons, Applicants do not consider Fiore or Pestka to anticipate the subject matter of independent claim 16. Therefore, Applicants respectfully request that the rejection of claim 16 under 35 U.S.C. § 102(b) be withdrawn.

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**Conclusion**

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the prosecution of the application, the Examiner is invited to call the undersigned at (508) 880-8488.

Respectfully submitted,

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